

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2012 02

AN ORDINANCE TO AMEND ARTICLE IV GENERAL PROVISIONS SECTION 5 NUISANCES OF THE
COMPREHENSIVE ZONING ORDINANCE FOR WARRICK COUNTY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OR WARRICK COUNTY, INDIANA, as follows to wit:

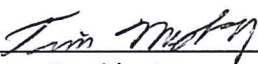
Section 1. That Article IV General Provisions Section 5 Nuisances be hereby amended as follows:

SECTION 5 PUBLIC NUISANCES

A public nuisance shall be that which affects an entire neighborhood or community, and is a violation as described in Indiana Code 32-30-6-6.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for Warrick County, State of Indiana.

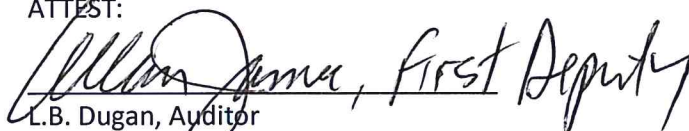
Approved this 9th day of January, 2012.


Tim Mosbey, President


Don Williams, Member


Marlin Weisheit, Member

ATTEST:


L.B. Dugan, Auditor

Public Hearing held by Area Plan Commission November 14, 2011.

, or repair of aircraft.
by P.L.2-2002, SEC.15.

32-30-6-5

"Vicinity of the locality" defined

Sec. 5. As used in this chapter, "vicinity of the locality" means the following:

(1) Three (3) miles from the locality (as defined in section 3(2) of this chapter) of a public use airport operation that serves regularly scheduled air carrier or military turbojet aircraft.

(2) One and one-half (1.5) miles from the locality of a public use airport operation that does not serve regularly scheduled air carrier or military turbojet aircraft.

As added by P.L.2-2002, SEC.15.

IC 32-30-6-6

Nuisance described and considered subject to an action

Sec. 6. Whatever is:

(1) injurious to health;

(2) indecent;

(3) offensive to the senses; or

(4) an obstruction to the free use of property;

so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance, and the subject of an action.

As added by P.L.2-2002, SEC.15.

IC 32-30-6-7

Nuisance actions; plaintiffs; attorney's fees in certain actions

Sec. 7. (a) An action to abate or enjoin a nuisance may be brought by any person whose:

(1) property is injuriously affected; or

(2) personal enjoyment is lessened;

by the nuisance.

(b) A civil action to abate or enjoin a nuisance may also be brought by:

(1) an attorney representing the county in which a nuisance exists; or

(2) the attorney of any city or town in which a nuisance exists.

(c) A county, city, or town that brings a successful action under this section (or IC 34-1-52-2 or IC 34-19-1-2 before their repeal) to abate or enjoin a nuisance caused by the unlawful dumping of solid waste is entitled to recover reasonable attorney's fees incurred in bringing the action.

(d) A forestry operation that successfully defends an action under this section is entitled to reasonable costs and attorney's fees incurred in defending the action.

As added by P.L.2-2002, SEC.15. Amended by P.L.82-2005, SEC.4.

IC 32-30-6-8

Nuisance action; remedies

Sec. 8. If a proper case is made, the nuisance may be enjoined or abated and damages recovered for the nuisance.

As added by P.L.2-2002, SEC.15.

IC 32-30-6-9

Agricultural and industrial operations; findings; continuity of operations; circumstances in which nuisance does not exist

Sec. 9. (a) This section does not apply if a nuisance results from the negligent operation of an agricultural or industrial operation or its appurtenances.